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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,435	04/12/2004	Gloria Falla	PL101USU	1439
7590	04/06/2005		EXAMINER	
Charles N. J. Ruggiero Ohlandt, Greeley, Ruggiero & Perle, L.L.P. 10th Floor One Landmark Square Stamford, CT 06901-2682			HALE, GLORIA M	
			ART UNIT	PAPER NUMBER
			3765	
DATE MAILED: 04/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,435

Applicant(s)

FALLA, GLORIA

Examiner

Gloria Hale

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2-2-05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second arm orientation as claimed in claim 19 must be shown or the feature(s) canceled from the claim(s). Also Figures 3-6 are not clear and the configurations are not clearly seen especially the fabric covered areas. Also the reference numbers are not clearly seen. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1-20 are objected to because of the following informalities: In claims 1 and 15 it is not clear as to whether the fasteners are being claimed in combination with a brassiere with shoulder straps or is just the fastener itself. The brassiere structure has not been positively claimed other than in an intended use recitation. Appropriate correction is required.

Information Disclosure Statement

The first four entries on page 1 of the IDS submitted on 2-2-05 are incorrect. The Patent Numbers indicated do not match the Inventor names indicated by applicant. The Examiner has placed the correct name provided by EAST in the Inventor name location of the form. The Patent Numbers indicated display patents that are not related to the present invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5,7-12,15-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ophir (US D 246704).

Ophir discloses a fastener with a first arm and a second arm and a wave portion to form a triangular or heart shape. The wave portion of Ophir includes a flange and with the first and second arms connected together at one end to form a plane. The arms of Ophir

have first and second ends as claimed. The "Angle" formed in Ophir are within the claimed ranges as seen in the figures 1-3. When used in a brassiere as a shoulder strap fastener the Ophir fastener functions as claimed and as outlined in the intended use recitation. The intended use recitation has not been given patentable weight since the claimed structure does not distinguish the claimed invention over the prior art fastener satisfying the same structural limitations. (See Ophir, figures 1-3).

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wales (US348871).

Wales discloses a fastener as seen in figure 8 with first and second arms connected at an angle, including a wave portion, a flange with tapered sides and wherein the shape of the fastener is a triangular or heart shape as broadly claimed. The pair of tapered sides are parallel as claimed and the first and second arms have first and second ends and where in the first and second arms are connected together at one end to form a plane. In regard to claim 19, Wales discloses the arm configuration as broadly claimed and as best understood wherein the arm is angled and the other is parallel to the plane as seen in figure 6 of Wales.

The fastener of Wales when used to attach a shoulder strap to a brassiere would create the biased orientation (due to the angled arms) in relation to the body of the brassiere as claimed. However, the intended use recitations have not been given patentable weight since they do not further distinguish the structure of the inventive fastener over the prior art fastener satisfying the same structural limitations. The angles created by the first and second arms appear to be in the claimed ranges as seen in figure 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ophir (US D 246,704) in view of Hittel et al (US 3,699,971).

Ophir discloses the invention substantially as claimed. However, Ophir does not disclose the fastener as specifically being placed on a shoulder strap of a brassiere to connect the strap to the brassiere panel. Hittel et al discloses a fastener clasp 44 (as seen in figure 1) to attach a shoulder strap to a brassiere panel. Accordingly it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the fastener of Ophir within a brassiere to connect a brassiere shoulder strap to a brassiere in the front or the rear and wherein such use would create an angled connection and position of the shoulder strap that would be inherently caused by the angled arms which hold the strap ends. (See Hittel et al, figure 1).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria Hale whose telephone number is 571-272-4984. The examiner can normally be reached on Tues.-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gloria Hale
Primary Examiner
Art Unit 3765
